

## **REMARKS**

Claims 1 – 33 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1, 2, 5, 7, 9, 10, 13, 15, 17, 18, 21, 23, 25 – 27, 29, 31 and 33 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Matthews et al. (U.S. Pat. No. 6,895,941). This rejection is respectfully traversed.

At the outset, Applicant notes that claims 1, 10 and 26 include a module or controller that determines an adjusted pedal based on a pedal device position signal and a vehicle speed and an engine torque request module or controller that determines an engine torque request based on the adjusted pedal and an engine speed. Matthews fails to teach or suggest a module or controller that determines an adjusted pedal based on a pedal device position signal and a vehicle speed and an engine torque request module or controller that determines an engine torque request based on the adjusted pedal and an engine speed.

Similarly, claim 18 includes the steps of determining an adjusted pedal based on a pedal position and a vehicle speed, determining an engine torque request based on the adjusted pedal and an engine speed and controlling the engine based on the engine torque request to produce a desired engine torque. Matthews fails to teach or suggest determining an adjusted pedal based on a pedal position and a vehicle speed, determining an engine torque request based on the adjusted pedal and an engine

speed and controlling the engine based on the engine torque request to produce a desired engine torque.

Matthews discloses a system 10 for transitioning between an activated mode (i.e., all cylinders active) and a deactivated mode (i.e., at least one cylinder inactive) in a variable displacement engine 12 (Fig. 1 and Col. 2, Lines 61 – 65). A pedal position sensor 42 generates an accelerator pedal position signal and sends it to a controller 18 (Fig. 1 and Col. 3, Lines 45 – 47). A desired engine torque ( $T_{DES}$ ) is determined based on the pedal position and an engine speed (Col. 4, Lines 24 – 35). An available torque in the deactivated mode (Deac Trq) (Col. 4, Lines 36 – 37) and the controller 18 transitions between the activated and deactivated modes based on  $T_{DES}$  and Deac Trq (Fig. 2, Block 104 and Col. 4, Lines 37 – 57).

Matthews fails to teach or suggest adjusting the pedal position signal to provide an adjusted pedal. Although the Examiner has cited Col. 3, Lines 14 – 37, this excerpt is limited to discussing components and function of an electronic throttle and control thereof. Further, Matthews fails to explicitly teach or suggest adjusting the pedal position based on the pedal position signal and the vehicle speed. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

With regard to claims 2, 5, 7, 9, 13, 15, 17, 21, 23, 25, 27, 29, 31 and 33, each ultimately depends from one of claims 1, 10, 18 and 26, which define over the prior art, as discussed in detail above. Therefore, each of claims 2, 5, 7, 9, 13, 15, 17, 21, 23, 25, 27, 29, 31 and 33 also define over the prior art for at least the reasons discussed with respect to claims 1, 10, 18 and 26, and reconsideration and withdrawal of the rejections are respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 6, 8, 14, 16, 22, 24, 30 and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Matthews et al. (U.S. Pat. No. 6,895,941). This rejection is respectfully traversed.

With regard to claims 6, 8, 14, 16, 22, 24, 30 and 32, each ultimately depends from one of claims 1, 10, 18 and 26, which define over the prior art, as discussed in detail above. Therefore, each of claims 6, 8, 14, 16, 22, 24, 30 and 32 also define over the prior art for at least the reasons discussed with respect to claims 1, 10, 18 and 26, and reconsideration and withdrawal of the rejections are respectfully requested.

Claims 3, 4, 11, 12, 19, 20 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Matthews et al. (U.S. Pat. No. 6,895,941) in view of Rayl et al. (U.S. Pat. No. 6,769,403). This rejection is respectfully traversed.

With regard to claims 3, 4, 11, 12, 19, 20 and 28, each ultimately depends from one of claims 1, 10, 18 and 26, which define over the prior art, as discussed in detail above. Therefore, each of claims 3, 4, 11, 12, 19, 20 and 28 also define over the prior art for at least the reasons discussed with respect to claims 1, 10, 18 and 26, and reconsideration and withdrawal of the rejections are respectfully requested.

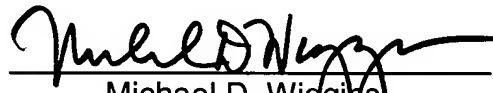
## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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